

The 23rd November, 1978

No. 11(112)-3Lab-78/10327.—In pursuance of the provision of section 17 of the Industrial Disputes Act 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of M/s Bolton India, Sector 6, Faridabad.

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 261 of 1976

between

SHRI DAULTI, WORKMAN AND THE MANAGEMENT OF M/S BOLTON INDIA,
SECTOR 6, FARIDABAD

Present :—

Shri Madhu Sudan Saran Cowshish and Shri Amar Singh, for the workman.

Shri R. C. Sharma, for the management.

AWARD

By order No. ID/FD/435-13-76/46130, dated 20th December, 1976, the Governor of Haryana referred the following dispute between the management of M/s Bolton India, Sector 6, Faridabad and its workman Shri Daulti, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

Whether the termination of services of Shri Daulti was justified and in order? If not, to what relief is he entitled?

On receipt of the order of reference; notices were issued to the parties. The parties appeared and filed their pleadings. From the pleadings of the parties, the following issue was framed on 3rd June, 1977:—

(1) Whether the termination of services of the workman concerned was justified and in order? If not, to what relief is he entitled?

The case was fixed for the evidence of the management. The management examined one Shri Ram Nath, the workman, in the factory as M. W. 1 who stated that there was one Rolling machine in the factory. The workman concerned was working on that machine prior to he started working on that machine. The Foreman records the production, no signatures of any person are obtained on the production record and that a workman can produce about 4,000 pieces. He could not identify the signatures at page 32 of the connected file. He further stated that he had produced 3,300/3,400 or 4,000 pieces. In cross-examination he stated that he was getting Rs. 225 per mensum as wages and he worked on other machine also and he can work on Adda also. His job is recorded on his card. The thread rolling machine is worked in one shift only. He did overtime also. He further stated in cross-examination that the production record contained only duty production and not overtime production. He admitted in cross-examination that the production is based on the supply of pieces. The management also examined Shri Kulbir Singh, their partner as M. W. 2, who produced the record of the production of the workman Exhibit M-1. He stated that it is signed by the Foreman Shri Jagdish Chander and is in his hand. He proved production chart Exhibit M-2 which was signed by another Foreman Shri Prem Singh which was also in his hand and it bore counter-signatures of some partner here and there. Shri Jag Pal is brother was also partner. He stated that the workman was warned,—*vide* Exhibit M-4 and charge-sheeted,—*vide* Exhibit M-5 Hindi Transalation whereof is Exhibit M-6 M-7 is the reply of the workman. M-8 is termination letter. M-5 bears his signatures. In cross examination he admitted that the workman was never charge-sheeted previously. He admitted that the management did not hold any domestic enquiry before terminating the services. He stated that Exhibit M-2 does not contain the signatures of the workman, nor the production chart contained the signatures. He further admitted that different kinds of goods is put on the machine but denied that it can affect production. There are different kinds of dies large and small. He denied that the workman was charge-sheeted as he was forming a trade union. He admitted that the dispute regarding bonus and pay-scales was raised but has been settled and there was no case pending for adjudication. The management closed their case.

Then the case was fixed for the evidence of the workman. The workman examined himself as W.W. 1 and denied less production, he also stated that he was serving the management for the last six years without causing any cause of complaint and the management terminated his services abruptly by issuing a false charge-sheet. The management neither suspended him nor held any domestic enquiry. He stated that production is based on items and this machine can produce 1,000/1,100 pieces only but can produce 4,000 small pieces. He further stated that he demanded overtime at double rate as the management was paying it at single rate and therefore, the management terminated his services. He was an active trade unionist. He had raised a demand of bonus also and he was unemployed. In cross-examination he stated that the pieces are produced as per weight. Small pieces weigh $1\frac{1}{2}$ gram and the large weigh $3/4$ K. Gs. The thickness of $1\frac{1}{2}$ gram pieces is 8 mm. The workman closed his case.

Then the case was fixed for arguments. Arguments were heard. Now I give my finding on the issues.

Issue No. 1

The management has examined one Shri Ram Nath, another workman, and Shri Kulbir Singh, partner, but did not examine any Foreman, nor examined the other partners whose counter-signatures are alleged to be there on production chart. The representative for the management admitted that the charge-sheet was issued but enquiry was not held. He then argued that he had given evidence before me to substantiate the charges against the workman.

I have gone through the production charts and production records. The writer thereof was not examined, whereas there are two foremen, none of whom was examined, neither the partner who is alleged to have countersigned has been examined. Proper person was the Foreman who could testify regarding less production by the management. His evidence was the best evidence which has been withheld by the management. The workman has explained that the machine if produces 4,000 pieces then it produces small ones. The machine cannot produce large pieces more than 1,000/1,100. I am satisfied that the management has failed to substantiate their charges. As it is a case of no enquiry whereas charge-sheet was issued but the evidence of the management could not satisfy me that the workman gave less production. I, therefore, decide issue No. 1 against the management.

While answering the reference, I give my award that the termination of services of the workman was neither justified nor in order. The workman is entitled to reinstatement with continuity of services and with full back wages.

NATHU RAM SHARMA,

Dated the 10th November, 1978.

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 1229, dated 15th November, 1978

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

M. KUTTAPPAN, Secy.

LABOUR AND EMPLOYMENT DEPARTMENTS

The 20th November, 1978

No. 12(226)-78-6Lab.—The Governor of Haryana is pleased to constitute the District Committee on Employment, Ambala, consisting of the following members :—

| | |
|---|------------------------------|
| 1. Deputy Commissioner, Ambala | Chairman |
| 2. President, Industrial Association, Ambala | .. Employers' Representative |
| 3. President, Industrial Association, Yamunanagar | .. Ditto |

| | | | |
|-----|---|----|-------------------------|
| 4. | Chairman, P. W. D. Workers Union, Ambala Cantt | .. | Workers' Representative |
| 5. | President, Jagadhri Railway Union, Yamunanagar | .. | Ditto |
| 6. | President, Scheduled Caste Welfare Association, c/o M. C., Ambala City. | .. | Member |
| 7. | Shri Lal Singh, M. L. A., 51, M. L. A. Flat, Sector 3, Chandigarh. | .. | Do |
| 8. | Ch. Bhagmal, M. L. A., V. & P. O. Marwa Kalan, Tehsil Jagadhri, District Ambala | .. | Do |
| 9. | Sub-Divisional Officer (Civil), Naraingarh | .. | Do |
| 10. | Sub-Divisional Officer (Civil), Jagadhri | .. | Do |
| 11. | Secretary, District Sainik Board, Ambala City | .. | Do |
| 12. | District Welfare Officer, Ambala City | .. | Do |
| 13. | Principal, I. T. I., Ambala City | .. | Do |
| 14. | District Industries Officer, Ambala Cantt. | .. | Do |
| 15. | Sub-Area Commander, Ambala Sub-Area, Ambala | .. | Do |
| 16. | Administrator, Municipal Committee, Ambala City | .. | Do |
| 17. | Administrator, Notified Area Committee, Ambala Cantt. | .. | Do |
| 18. | Superintending Engineer, P. W. D. (B&R), Ambala Cantt. | .. | Do |
| 19. | District Education Officer, Ambala City | .. | Do |
| 20. | District Employment Officer, Yamuna Nagar | .. | Do |
| 21. | District Employment Officer, Town Employment Exchange, Kalka | .. | Do |
| 22. | Assistant Employment Officer, Sadaura | .. | Do |
| 23. | Assistant Employment Officer, Morni | .. | Do |
| 24. | Personnel Manager, H.M.T. (Pinjore) | .. | Do |
| 25. | Principal, Government College, Kalka | .. | Do |
| 26. | Tehsildar, Kalka | .. | Do |
| 27. | Divisional Employment Officer, Ambala Cantt. | .. | Member/Secretary |

2. The object of the Committee would be to advise to the Divisional Employment Exchange, Ambala, on problems to employment, creation of employment opportunities and the working of the Employment Service:—

- (i) to review the employment position and assess employment and unemployment trends and suggest measures for expanding employment opportunities;
- (ii) to advise on the development of Employment Service;
- (iii) to advise on deployment of personnel retrenched on the completion of development projects;
- (iv) to consider special programme relating to educated unemployed;
- (v) to advise on the development of Vocational Guidance and Employment Counselling at Employment Exchanges;

(vi) to assess the requirement of trained craftsmen and advise the concerned authorities.

3. The term of the office of the members of the Committee would be one year.

4. The meetings of the Committee would be held twice a year.

5. If a member of the Committee fails to attend two consecutive meetings of the Committee without sufficient cause and without previous intimation to the Chairman, he would be liable to be removed by Government. The members are expected to keep all information of confidential nature secret unless authorised to disclose the same to the public.

M. KUTTAPPAN, Secy.

राजस्व विभाग

युद्ध जागीर

दिनांक 30 नवम्बर, 1978

क्रमांक 1676-ज(I)-78/33915.—पूर्वी पंजाब युद्ध पुरस्कार अधिनियम, 1948 (जैसा कि उसे हरियाणा राज्य में अपनाया गया है और उसमें आज तक संशोधन किया गया है) की धारा 2(ए)(1) तथा 3(1) के अनुसार सौंपे गये अधिकारों का प्रयोग करते हुए हरियाणा के राज्यपाल निम्नलिखित व्यक्तियों को वार्षिक कीमत वाली युद्ध जागीर उनके नाम के सामने दी गई फसल तथा राशि एवं सनद में दी गई शर्तों के अनुसार सहर्ष प्रदान करते हैं :—

| क्रमांक | जिला | जागीर पाने वाले का नाम | गांव व पता | तहसील | फसल/वर्ष जब से जागीर दी गई | वार्षिक राशि |
|---------|---------|--|------------|---------|----------------------------|--------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| रुपये | | | | | | |
| 1 | अमृताला | श्रीमती श्याम कौर, विधवा श्री राम सिंह | अहलोवाला | जगाधरी | खरी, 1976 से | 150 |
| 2 | ,, | श्री जिन्दा सिंह, पुत्र श्री आत्मा सिंह | धीन | अमृताला | खरीफ, 1974 से | 150 |

क्रमांक 1668-ज(I)-78/33920.—पूर्वी पंजाब युद्ध पुरस्कार अधिनियम, 1948 (जैसा कि उसे हरियाणा राज्य में अपनाया गया है और उस में आज तक संशोधन किया गया है) की धारा 2(ए)(1) तथा 3(1) के अनुसार सौंपे गये अधिकारों का प्रयोग करते हुए हरियाणा के राज्यपाल श्रीमती मोहर बाई, विधवा श्री चन्द्र सिंह, गांव खोड़, तहसील नारनील, जिला महेन्द्रगढ़, को खरी, 1974 से 150 रुपये वार्षिक तथा खरीफ, 1974 से 200 रुपये वार्षिक कीमत वाली युद्ध जागीर सनद में दी गई शर्तों के अनुसार सहर्ष प्रदान करते हैं।

क्रमांक 1675-ज(I)-78/33924.—पूर्वी पंजाब युद्ध पुरस्कार अधिनियम, 1948 (जैसा कि उसे हरियाणा राज्य में अपनाया गया है और उसमें आज तक संशोधन किया गया है) की धारा 2(ए)(1) तथा 3(ए) के अनुसार सौंपे गए अधिकारों का प्रयोग करते हुए हरियाणा के राज्यपाल श्री जगजीत सिंह उपल, पुत्र श्री गंगा सिंह, 38, प्रेमतगर, अमृताला शहर, तहसील ब ज़िला अमृताला, को खरी, 1973 से 150 रुपये वार्षिक [कोमत वाली युद्ध जागीर सनद में दी गई शर्तों के अनुसार सहर्ष प्रदान करते हैं।

दिनांक 1 दिसम्बर, 1978

क्रमांक 1643-ज(II)-78/33984.—पूर्वी पंजाब युद्ध पुरस्कार अधिनियम, 1948 (जैसा कि उसे हरियाणा राज्य में अपनाया गया है और उसमें आज तक संशोधन किया गया है) की धारा 2(ए)(1) तथा 3(ए) के अनुसार सौंपे गये अधिकारों

का प्रयोग करते हुए हरियाणा के राज्यपाल निम्नलिखित व्यक्तियों को वार्षिक कीमत वाली युद्ध जागीर उनके नाम के सामने दी गई कसल तथा राशि एवं सनद में दी गई शर्तों के अनुसार सहर्ष प्रदान करते हैं :—

| क्रमांक | जिला | जागीर पाने वाले का नाम | गांव व पता | तहसील | फसल/वर्ष जब से जागीर दी गई | वार्षिक राशि |
|---------|--------|--|------------|--------|----------------------------|--------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| 1 | सोनापत | श्री रिसाल सिंह, पुत्र श्री सुरजा | रिवाड़ी | गोहाना | खरीफ, 1976 से | 150 रुपये |
| 2 | „ | श्री मुन्ही राम, पुत्र श्री शहज राम | जोली | „ | रवी, 1976 से | 150 |

दिनांक 4 दिसम्बर, 1978

क्रमांक 1736-ज(I)-78/34090.—पूर्वी पंजाब युद्ध पुरस्कार अधिनियम, 1948 (जैसा कि उसे हरियाणा राज्य में अपनाया गया है और उसमें आज तक संशोधन किया गया है) की धारा 2(ए) (1) तथा 3(1) के अनुसार सौंपे गये अधिकारों का प्रयोग करते हुए हरियाणा के राज्यपाल श्री तिरखा राम, पुत्र श्री लाल जी मल, गांव अहरोद, तहसील रिवाड़ी, जिला, महेन्द्रगढ़, को रवी, 1973 से 150 रुपये वार्षिक कीमत वाली युद्ध जागीर सनद में दी गई शर्तों के अनुसार सहर्ष प्रदान करते हैं।

क्रमांक 1735-ज(I)-78/34091.—पूर्वी पंजाब युद्ध पुरस्कार अधिनियम, 1948 (जैसा कि उसे हरियाणा राज्य में अपनाया गया है और उसमें आज तक संशोधन किया गया है) की धारा 2(ए) (1ए) तथा 3(1ए) के अनुसार सौंपे गये अधिकारों का प्रयोग करते हुए हरियाणा के राज्यपाल निम्नलिखित व्यक्तियों को वार्षिक कीमत वाली युद्ध जागीर उनके नाम के सामने दी गई कसल तथा राशि एवं सनद में दी गई शर्तों के अनुसार सहर्ष प्रदान करते हैं :—

| क्रमांक | जिला | जागीर पाने वाले का नाम | गांव व पता | तहसील | फसल/वर्ष जब से जागीर दी गई | वार्षिक राशि |
|---------|-------------|---|------------|---------|-------------------------------|--------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| 1 | महेन्द्रगढ़ | श्री सुरजन सिंह, पुत्र श्री परसा राम | निमोठ | रिवाड़ी | रवी, 1966 से रवी, 1970 तक | 100 रुपये |
| 2 | „ | श्री बलबीर सिंह, पुत्र श्री राम स्वरूप | लिसान | „ | खरीफ, 1970 से रवी, 1976 से | 150 |

क्रमांक 1733-ज(I)-78/34101.—श्री राम स्वरूप, पुत्र श्री उद्धो राम, गांव मादियां कलां, तहसील रिवाड़ी, जिला महेन्द्रगढ़, की दिनांक 2 अक्टूबर, 1976 को हुई मृत्यु के परिणामस्वरूप हरियाणा के राज्यपाल, पूर्वी पंजाब युद्ध पुरस्कार अधिनियम, 1948 (जैसा कि उसे हरियाणा राज्य में अपनाया गया है और उसमें आज तक संशोधन किया गया है) की धारा 4 एवं 2(ए) (1ए) तथा 3(1ए) के अधीन प्रदान की गई शक्तियों का प्रयोग करते हुए सहर्ष आदेश देते हैं कि श्री राम स्वरूप की मुल्लिय 150 रुपये वार्षिक की जागीर जो उसे पंजाब/हरियाणा सरकार की अधिसूचना क्रमांक 7926-जे.एन.(III)-66/12164, दिनांक 16 जून, 1966 तथा अधिसूचना क्रमांक 5041-आर-II-70/29505, दिनांक 8 दिसम्बर, 1970, द्वारा मंजूर की गई थी, पर उसकी विविध श्रीमती चन्दो देवी के नाम खरीफ, 1977 से 150 रुपये वार्षिक की दर से सनद में दी गई शर्तों के प्रत्यागत तबदील की जाती है।